



*John T. Aubberger
Supervisor*

TOWN OF GREECE

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

THE MEETING BEGAN AT 7:00 P.M.

PRESENT

Alvin I. Fisher, Jr., Chairman
Alfred S. Ancello
Christine R. Burke
Brian E. Marianetti
Grace L. Plouffe
William E. Selke
Michael H. Sofia
Christopher A. Schiano, Deputy Town Attorney
Scott R. Copey, Clerk of the Planning Board
John Gauthier, P.E., Associate Engineer
Linda R. Lamb, Planning Board Secretary

ABSENT

ADDITIONS, DELETIONS AND CONTINUANCES TO THE AGENDA

ANNOUNCEMENTS

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

PUBLIC HEARINGS

Old Business

1. Applicant: Woodcreek Developers

Location: Generally, north of Latta Road and west of Flynn Road
Request: Final plat approval for Section 4 of the Avery Park subdivision,
consisting of 16 lots on approximately 6.38 acres
Zoning District: R1-E (Single-Family Residential)
Mon. Co. Tax No.: 033-04-2-62.111

Motion by Ms. Burke, seconded by Ms. Plouffe, to continue the application to the December 8, 2010, meeting, as requested by the applicant.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION CONTINUED TO
DECEMBER 8, 2010, MEETING

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

New Business

1. Applicant: Tripletta, LLC

Location: 80 Blue Grass Lane

Request: Final plat re-approval for the Maiden Lane Villas II subdivision, consisting of 28 lots on approximately 9.34 acres

Zoning District: R1-S (Single-Family Senior)

Mon. Co. Tax No.: 059.19.2-39.11

Motion by Ms. Burke, seconded by Ms. Plouffe, to continue the application to the January 19, 2011, meeting, as requested by the applicant.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION CONTINUED TO
JANUARY 19 , 2011, MEETING

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

2. Applicant: Mary Ann Staud

Location: 258 South Drive

Request: Re-approval of the proposed re-subdivision of Lot R-40 of the Grand View Heights Tract to form Lots R-40A and R-40B on approximately 0.3 acres

Zoning District: R1-E (Single-Family Existing)

Mon. Co. Tax No.: 026.18-4-37

The following is a synopsis of the discussion pertaining to the above-referenced request:

Kris Schultz, L.S., P.E., Schultz Associates, represented the applicant.

Mr. Schultz: This application was before the Board in 2008. It is a minor subdivision that recreated the original lot configurations in this portion of the Grand View Heights tract. We amended the plans pursuant to staff comments, received Board approval, and were ready to file plans with the Monroe County Clerk, when the owner decided to hold off on filing. As a result, the previous approval expired. We are back today looking for re-approval of the subdivision. There are no changes from what was previously approved.

Mr. Copey: As a re-approval, this was not circulated to the Monroe County Development Review Committee (MCDRC) or the Greece Environmental Board (GEB). Town staff reviewed the re-approval with no comments provided.

Motion by Mr. Selke, seconded by Mr. Sofia:

WHEREAS, Mary Ann Staud (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for re-approval of a minor subdivision, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 258 South Drive (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

5. The Planning Board carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Monroe County Department of Environmental Services, the Town of Greece Environmental Board, and the Town's own staff.
7. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Planning Board as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has met the procedural and substantive requirements of SEQRA.
10. The Planning Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Planning Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.
13. The Planning Board has made a careful, independent review of the Proposal and the Planning Board's determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
SEQRA DETERMINATION
NEGATIVE DECLARATION

Mr. Selke then made the following motion, seconded by Mr. Sofia, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. A dated signature of the owner/developer shall be added to the plat.
3. This subdivision map is for conveyance purposes only; no new construction is proposed. Approval of this map does not supersede any other conditions imposed by the Town of Greece or any other agency. Additional Town of Greece approvals must be obtained before any future construction. A note that indicates this requirement shall be added to the plat.
4. As offered and agreed by the Applicant, the concrete patio on the south side of the existing house shall be removed prior to final signature on the plat.
5. The September 30, 1992, Federal Emergency Management Agency flood zone and map source for this site shall be added to the plat. In addition, the boundaries (if any) and boundary designations shall be added to the plat.
6. A 5-foot-wide concrete sidewalk and a 7-foot-wide sidewalk easement to the Town of Greece shall be provided along the South Drive frontage of the site. If the Town Board grants a waiver of the sidewalk requirement, the date of such waiver shall be added to the plat.
7. The area variances granted by the Board of Zoning Appeals and the date on which such area variances were granted shall be added to the plat.
8. The town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

original building permit for each house. A note that indicates this requirement shall be added to the plat.

9. A digital copy of the final approved plans shall be submitted. All sheets in the drawing set, with all necessary signatures and the Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
10. Subject to approval by the Town's Chief Engineer and Commissioner of Public Works.
11. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
12. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
13. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION APPROVED
WITH CONDITIONS

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

SITE PLANS

Old Business

1. Applicant: 4320 West Ridge LLC

Location: Generally north of and including 4232 – 4350 West Ridge Road

Request: Site plan approval for Phase I of the Hampton Ridge Center commercial development, consisting of a proposed automotive sales and leasing dealership (28,924+/- square feet) with related parking, utilities, grading, and landscaping on approximately 7.2 acres, plus additional acreage for storm water management

Mon. Co. Tax No.: 073.01-1-2.1, -3, -4, -5, -6, -7; 073.01-2-63, -64.111, -64.12, -64.2, -68

The following is a synopsis of the discussion pertaining to the above-referenced request:

Paul Colucci, DiMarco Group, and Thomas Greiner, Esq., Nixon Peabody LLP, presented the application.

Mr. Colucci: I'd like to request we be pushed back on the agenda as our legal counsel is not yet here.

Mr. Fisher: Confirms this is acceptable.

Mr. Fisher: 7:25 p.m. We are back to the application at 4320 West Ridge Road.

Mr. Colucci: (Copies of the revised utility plans are handed to Board members.) I last appeared before you in October. At that time, we addressed some of your concerns. We discussed traffic and alternative plans for future phases, which we believe is agreeable to Town staff. We discussed the cobblestone house and addressed your concerns. We discussed drainage from our site as well as to the property to the north. We received, and submitted to you, a letter from the owner to the north indicating that he was willing to work with us. The sanitary sewer was discussed briefly and I indicated that we were working with our engineers to propose an alternate utility plan, which I have just shared with you.

We submitted new utility plans to the Town last week and met with members of Development Services and Engineering today to review these plans. At today's meeting, we also reviewed our written response to Engineering comments of September 30. I believe that we addressed those comments, or demonstrated our ability to do so. The Town's Chief Engineer, Cindy Ziarko, felt that progress was made and she would review with Mr. Gauthier. When evaluating the project and looking at the efficiencies for us, we have revised the sanitary sewer layout. The 15-inch-diameter sewer will be brought to the north property line of 4320 West Ridge Road. We have elected to use what was to have been our future 8-inch-diameter sanitary sewer to the east now to sewer the entire project. We looked at the cost of doing redundant sanitary sewers. Previously, the 15-inch-diameter sanitary sewer shown along the west would have served our whole project, and Auction Direct still would have had to be served by an 8-inch-diameter sanitary sewer; that would have been redundant. We challenged our engineers to come up with a more efficient sanitary sewer plan, and that is what now is before you. The entire project at Hampton Ridge Center will be supported by an 8-inch-diameter sanitary sewer. This will not preclude a future extension of the 15-inch-diameter sanitary sewer. We are offering this as an amendment to our original application.

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

Mr. Schiano: Since you last appeared, I have had an opportunity to review the Town Board minutes when the rezoning occurred. Wasn't the proposal for a 15-inch-diameter sanitary sewer part of that rezoning?

Mr. Greiner: If you look at the Final Generic Environmental Impact Statement (FGEIS) and then the Findings Statement incorporated into the rezoning resolution, it actually says that we would bring a 15-inch-diameter sanitary sewer to the premises, which is what we are suggesting.

Mr. Schiano: Was it offered during the testimony that the 15-inch-diameter line was being proposed throughout the entire project, with future dedication of that line?

Mr. Greiner: In the Draft Generic Environmental Impact Statement (DGEIS), it was offered. It was refined further in the FGEIS, and then in the Findings Statement to bring the 15-inch-diameter sanitary sewer to the property, with a provision for future development to the south. In terms of what is promised in the FGEIS and Findings Statement, it is just a 15-inch-diameter sanitary sewer to the premises, and that is what we are proposing.

Mr. Schiano: I don't think it was stated that it had to be dedicated right away, but I think that it read that it had to be a 15-inch-diameter line. It states here that the sewer extension has been sized to provide capacity for other potential development to the south. You can't do that with an 8-inch-diameter line, can you?

Mr. Greiner: Probably not. That is why a provision has been made for the 15-inch-diameter sanitary sewer on the west side of the Hampton Ridge Center site, if it is needed for development to the south, which at this point is problematic.

Mr. Colucci: It would not be the intention that the 8-inch-diameter line to the east is for future development to the south. The 8-inch-diameter sanitary sewer that currently is shown on the plan is to serve the needs of this project. The 15-inch-diameter sanitary sewer from the north property line would serve future development. The site plan, as proposed, does not preclude extension of the 15-inch-diameter sanitary sewer along the west side of the Hampton Ridge Center site.

Mr. Fisher: Some of our questions still have not been answered: the issue regarding the 15-inch-diameter sanitary sewer; the questions raised in the Environmental Impact Statements (EISs); the answers provided regarding the presence of a 15-inch-diameter sanitary sewer; and the availability of that sewer to the property to the south and west.

Mr. Greiner: Is your question how does all this comply with that?

Mr. Fisher: We have received letters from various parties who indicated that what is included in the EISs would require, as part of the mitigation, a sanitary sewer accessible to the properties to the south and west. Our counsel needs to determine the obligations of the rezoning.

Mr. Schiano: When the plans were submitted to the Town Board, did they include a 15-inch-diameter sanitary sewer? I think it's conflicting to bring an 8-inch-diameter line down from the north. The Board can do what it wants. I'm in agreement that a sanitary sewer doesn't have to be dedicated until it is offered to be dedicated. I have a problem changing from a 15-inch-diameter sanitary sewer to an 8-inch-diameter sanitary sewer at this point after reading the Town Board minutes. The rezoning was done based on representations.

Mr. Greiner: The FGEIS and Findings Statement were meant to say that the 15-inch-diameter line would be adequate to serve future needs and, should there be development to the south, a 15-inch-diameter line would be installed. The 15-inch-diameter line was meant to be good planning and to look to the future. What you have seen since that time, is some parties want to ride on the backs of this applicant and have this applicant pay for their future needs. They see a way of getting The DiMarco Group to pay for all of that sanitary

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

sewer and then being able to tap into it. What you have seen from July to now is The DiMarco Group reevaluating what it needs for its own project. Don't forget that we are not here for the entire development of Hampton Ridge Center. This application is for one relatively minor project. We were being penalized for providing a bigger sewer than was needed.

Mr. Schiano: The problem I have is the representation made to the Town Board in regard to the rezoning.

Mr. Greiner: We can go back and review the FGEIS and Findings Statement. If it turns out that the rezoning hinged on the 15-inch-diameter sanitary sewer, that's important to know. When I looked at it, it was clear to me that the FGEIS was saying that a 15-inch-diameter sanitary sewer would be adequate to service future needs with development to the south, should it occur.

Mr. Copey: Let's assume for a minute that you are not required to build a 15-inch-diameter sanitary sewer, in terms of the rezoning requirements. You are bringing a 15-inch-diameter sanitary sewer southward from Daffodil Way, across Tom Thomas's property, to the first manhole on your property, and then turning left and heading eastward with the sanitary sewer. For what reason would you object to extending an easement westward to the adjoining property line so that someone else could get to that 15-inch-diameter sanitary sewer? Again, let's assume just for the sake of this discussion that we wouldn't be asking you to build the sewer.

Mr. Greiner: Building the sewer is an expense, but acquiring the right to have that sewer was an even bigger expense. The DiMarco Group would seek to get a return on its investment, being the party that secured the rights to that sanitary sewer. Why doesn't the next door neighbor make his peace with Mr. Thomas and get an easement over to his property and pay for it, just like The DiMarco Group did? The issue is two-fold: (1) The DiMarco Group wants to control the sanitary sewer access as much as it can to build out its plaza; and (2) if The DiMarco Group is going to do something earlier relative to sanitary sewer access, parties that want rights of access to the sewer should pay for them.

Mr. Schiano: Wouldn't the easement be what the Board is looking for to advance legitimate and orderly development of the parcels? That wouldn't be a taking.

Mr. Greiner: You are getting to the heart of the issue.

Mr. Fisher: It appears that, as part of the EISs, The DiMarco Group said that access would be allowed as a mitigation measure.

Mr. Schiano: Did you talk about allowing properties to the south to come in when they started developing?

Mr. Greiner: Assuming that we are doing a site plan just to build our project, the Board would ask, have you sized your sanitary sewer line to create sufficient capacity? When you go beyond that and say, what we also want you to do is give us an easement so that others can tap in, I think that you overstep the bounds. The New York State Town Law, Section 274-a is very clear. You can do it, but somebody has to pay for it. We cited the Nolan case in California. If you say that it's really important that the sanitary sewer gets installed and that these people get to tap into it, as the stewards of the town, as long as you have your Town support, you can require that. It's just like the U.S. Supreme Court told the State of California, you can create easements out to the shoreline for people; you just have to pay for them.

Mr. Copey: Were the Nolan's proposing to build public facilities for access to the beach that the town was requiring an easement?

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

Mr. Greiner: In that case, the state was making corridors available for the general public that has the right to be below the high water line out there but couldn't get to it without a boat. The state said that they were going to oppose that and that it was a legitimate public purpose for people being allowed to get where they need to. We are standing on that case.

Mr. Copey: It's not different that The DiMarco Group is proposing to build a public facility for dedication?

Mr. Greiner: What if we stopped our 8-inch-diameter line and never had a public facility?

Mr. Schiano: In my reading, there was to be a 15-inch-diameter line; it wasn't to be dedicated. But to change it out for an 8-inch-diameter line is my concern.

Mr. Colucci: When we looked at the inefficiencies of our original plan, we realized that we were constructing redundant sanitary sewers. Why were we building two parallel sewers down the edges of our property? It appeared grossly inefficient.

Mr. Fisher: When you applied for rezoning, and when the FGEIS was concluded, one of the elements was the availability of the sewers. What was proposed as part of the rezoning was a 15-inch-diameter sanitary sewer or access to adjacent properties. It isn't simply a regular situation. We have rezoning where the applicant, to be able to achieve some development, couldn't develop his land as commercial without rezoning from residential. There were certain things offered and the Town Board appeared to depend on as part of the rezoning.

Mr. Greiner: You are saying that, if this land already were zoned General Business and we were coming in with a regular site plan application and said, "Here's our 8-inch-diameter sewer," you would say fine. What you are saying now is that you aren't just looking at that. You are looking at this standing on the shoulders of a rezoning and what was promised in the rezoning.

Mr. Fisher: It may be both. Even if you came in without the rezoning, it still may be through our normal practices to require access.

Mr. Greiner: You are saying under your site plan powers, you can still order this to become a 15-inch-diameter line when we only need an 8-inch-diameter line?

Mr. Schiano: I think that we would require an easement to allow tap in for future development. We wouldn't require you to build a 15-inch-diameter line, but to provide an easement for orderly development.

Mr. Greiner: Mr. Moretti's case cited early on said that development was precluding the orderly development of the area because it wasn't even making provisions for an easement. I'm saying that we are not proposing something that would preclude future installation of a 15-inch-diameter line. As the Board looking at the bigger picture, you could say, "Okay, they are taking care of themselves, but they are also leaving open an area for the 15-inch-diameter line for future development."

Mr. Fisher: The means that we have for guaranteeing that is the easement.

Mr. Greiner: We could do that. In assuring the possibility of the installation of the 15-inch-diameter sanitary sewer, we don't want people at this point in time getting it for free. The DiMarco Group is a competitor in a free economy and wants to get a return on its investment. I understand the town's point that they don't want to approve this and checkmate other development in the area. Cindy Ziarko has shared with us the Town's master sewer plan, and what we are doing complies with that. In the rezoning was there a requirement for The DiMarco Group to build, install, and give away a 15-inch-diameter sanitary sewer? The answer is *no*.

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

Mr. Schiano: They used the word mitigating but I don't see what is being mitigated and why that word was used. I still think that we need look at it. My concern is going from 15-inch-diameter to 8-inch-diameter

Mr. Greiner: Nothing we are doing here is going to hurt anyone. We aren't foreclosing anyone from developing their property. We could provide an area for the sewer; and if paid for, could be provided. There's a difference between preventing and enhancing development.

Mr. Schiano: I think that the Board has its own feelings on how this should go forward. I have my opinions, too, but they are the Board.

Mr. Greiner: We are all constrained by the law. It is what the law permits or requires. This property is validly zoned General Business. Judge Feraci has been assigned to this case and we will get an answer.

Mr. Schiano: You are proposing that an easement be allowed across the site at this time, just not access into the actual sewer itself?

Mr. Greiner: What I am proposing is, we can delineate an easement for the future. This project doesn't require anything like that. We can defer that issue until Phase 2 of this project.

Mr. Copey: You are going to be building a half-mile of sanitary sewer and half of that would be 15 inches in diameter. to service this development, Auction Direct. The construction of this sewer is proposed as part of Phase 1.

Mr. Greiner: We can service Auction Direct with an 8-inch-diameter line and can defer this question to later.

Mr. Copey: My point is that the 15-inch-diameter line comes onto the property with the development of Auction Direct, which gives you the ability to provide an easement for public access to that sewer, like everybody else in town has to do. You may have paid a premium for it, but our general rule is to provide general access to sewers. For every subdivision in town, the sewers are built to the property line so that the next guy can get to it. How does this play against our design specifications and our long-standing practices with these issues?

Mr. Greiner: You can write something that says we will require you to provide your sanitary sewer to everybody else and you have to pay for it, and they get it. People can even agree to that, but it doesn't mean that people *have to* agree to it. That's our position.

Mr. Schiano: Let's see what the FGEIS says. It should help lock up that issue.

Mr. Fisher: The other issue is with the buffering between adjacent properties.

Mr. Colucci: We discussed those at the last meeting and reviewed plans for buffer to the east, which was accommodated by adjusting our storm water facility. To the north, there was a question about buffering and pulling the pond back. We discussed that with our neighbor. A letter was sent to the Town from the northern property owner, which stated that our plans for a 65-foot-wide buffer were acceptable. We reviewed the property to the west. In this phase of the application, we abut General Business zoning to the west and are not proposing any clearing or development along the western property line to the north of us, which would be abutting residential property. We do not see this as an issue for Phase 1, and it will be addressed with future phases. However, we also offered an exhibit showing the limits of Smith Creek and a map of the floodplain associated with it, and questioned future developability of the property to the west.

Mr. Fisher: If we have residential property to the east, that has a certain amount of buffering. I think that we agreed the same buffering should apply to the property to the west. This is the opportunity we have to be able to highlight that. As we go through other

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

phases, there may be an opportunity to change that if circumstances require it to change. I think that it is something that needs to be formally reserved so that the full circumstances can be determined when more information is available.

Mr. Greiner: You are speaking of the far western property line where it abuts residential, not the southern part abutting commercial?

Mr. Fisher: I am referring to the residential property to the west.

Mr. Greiner: You are suggesting that, at a minimum, we reserve an area for buffering.

Mr. Fisher: It has to be comparable to what we have on the east side. Since it is the same zoning, leaving that vegetation to the extent that we did on the east seems appropriate.

Mr. Colucci: The property to the east is clearly developable and there are future planned sections for a residential subdivision. We adjusted our plans to accommodate that buffer. To the north, we approached the developer and have an agreement in place. There are wetlands there and they question their ability to develop that. The Board should look at that property to the west. It is essentially Smith Creek and an associated floodplain. What are we buffering? Land that is undevelopable, in part. We can accommodate buffering to the west but what will it be: a fence, a berm? At this point, I don't want to agree that a 100-foot-wide vegetated buffer will be provided to the west until we look at what the impacts are.

Mr. Fisher: We don't have answers to make a determination this evening. I think that is another issue that requires attention.

Mr. Colucci: We have submitted what I thought would help the Board.

Mr. Greiner: We wouldn't want to throw money away to buffer something that would never happen. The DiMarco Group has submitted information saying that there is limited developability to the west, east of Smith Creek. To the extent that development occurs there, a buffer would be provided.

Mr. Fisher: When you have existing vegetation, you have buffer. If you lose that vegetation and have to create a buffer it takes many years before it becomes effective. This commercial property extends far, far greater to the north than other properties. This type of protection is required. This is commercial next to residential, and we need adequate buffering.

Pat Basset, owner of property to the west: I think Mr. Greiner is mistaken when he says adjoining properties want a free ride on the sanitary sewer. We have sat with the DiMarcos, indicated that we would be more than willing to pay for our fair share of the sanitary sewer. We asked to work jointly on this. They had no interest in joining with us on the sanitary sewer. When they say, why doesn't Mr. Basset make his own deal with Tom Thomas?, for 12 ½ years I tried to make a deal with Tom Thomas. The answer was no, no, no, and no. Mr. Thomas built that subdivision out and held that sanitary sewer hostage for years. He sold the property along West Ridge Road to The DiMarco Group and indicated that he promised them that he would not allow that sanitary sewer to go any farther. There seems to be something in this town that says when you have the sanitary sewer in the ground, you own that sewer until you make all the money in the world and then you can dedicate it to the Town. I'd rather buy a sanitary sewer than build a house in Greece. It's easier to buy a sanitary sewer system and sell it to the next guy than it is to try to build houses and make a living. When I came to the Town to be rezoned for what now is the Toyota dealership, it was known that the distance that Toyota lost was all they were going to get. We fought to go back another 100 feet, and we couldn't get 60 feet. I'm sitting on land that I've been paying taxes on since 1985; it is high density residential. It could be cluster homes, apartments. It is beautiful back there. What would you do with that land once they placed

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

200,000 square feet of commercial buildings next to it? He is suggesting that a 100-foot-wide buffer is not needed. You have a sanitary sewer that you control. Why don't they have to play by the rules everyone else does? Here with me this evening is Charlie Lissow, Lakeside Builders, who has built houses for 40 years. He's got all kinds of stories about extending sewers in developing his subdivisions. This Board isn't required to make sure any of us get a return on our investment. This Board is to make sure that no one is injured in the process. I'm willing to pay my share. Give me an easement, and I'll build the sanitary sewer tomorrow. For the record, we'll pay our share. My land is very developable; I hope that it will be residential. For the buffering, what's good for the east is good for the west.

Mr. Sofia: In the case of adjoining property at Kohl's, it was agreed to by that applicant to bring the sanitary sewer to the property line and there was no argument. Can you explain why?

Mr. Colucci: You are referring to 4110 West Ridge, LLC. It is my understanding that there were adjoining parcels that were mainly residential at the time. The applicant and the Board agreed that sanitary sewer access would be provided to those residential parcels. There was a sanitary sewer access easement granted by Kohl's, which was contested. The easement has been amended by Kohl's and submitted back to the Town for public easement on the Kohl's parcel. In the next week or so, that will be a fully dedicated sewer with all easements in place.

Mr. Copey: I pulled out the Board's resolution on this issue today. It stated, "The Applicant shall extend access to sanitary sewers to adjoining properties as directed by the Commissioner of Public Works." There was some degree of discretion on the part of the Commission of Public Works. The Board's intention maybe was more overarching than what has transpired.

Motion by Ms. Plouffe, seconded by Ms. Burke, to continue the application to the December 8 , 2010, meeting, as requested by the applicant.

VOTE:	Ancello	- yes	Burke	- yes
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- yes
			Fisher	- yes

MOTION CARRIED
APPLICATION CONTINUED TO
DECEMBER 8 , MEETING

New Business

None

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

SPECIAL PLANNING TOPIC

1. Applicant: Eastman Kodak Company

Location: 1 McLoughlin Road

Request: Review of the proposed re-subdivision of Lot 3 of the KPS subdivision to create Lot R-3A, consisting of approximately 121.09 acres, and Lot R-3B, with an existing building known as Eastman Kodak Company Building 502 and consisting of approximately 23.17 acres

Zoning District: IG (General Industrial)

Mon. Co. Tax No.: 089.04-1-2.1

The following is a synopsis of the discussion pertaining to the above-referenced request:

Edward Freeman, PLS, Passero Associates PC, and David Gould, Eastman Kodak Company, presented the application.

Mr. Freeman: Eastman Kodak Company ("Kodak") is proposing to take a single lot and create two parcels. One parcel will be retained by Kodak and the other lot, which contains Building 502, is for sale. There is an access easement from Ridgeway Avenue down to the parcel. The Monroe County 911 Program recognizes McLoughlin Road as the official name. We are proposing an address of #1 McLoughlin Road, but that has yet to be finalized. Building 502 is in an IG (General Industrial) zoning district, which has a minimum lot size of five acres. There are no zoning variances required. Town staff comments included addressing, need for a fire protection agreement, utilities, and accessibility. With Kodak downsizing, many parcels have been sold off. Kodak utilities will be made available and signed agreements put into place for fire protection services by Kodak. There are paved roads surrounding the building that will suffice for close access for emergency equipment. This is all pretty standard for Kodak. If the new owner decided to place new fencing or gates, they would take the appropriate actions, such as giving the Fire Department keys or providing crash gates. Building 502 was used by Kodak as a shipment receiving operation. The new owner plans to use it for a similar operation. The road is designed to handle large truck traffic and is in good shape.

Mr. Copey: Mr. Freeman summarized the comments from Town staff. This is the fifth or sixth parcel within Kodak Park South that has been subdivided and sold off by Kodak. This case is different relative to utilities within Kodak, but we have dealt with this several times now. Assignment of addresses has become an topic of conversation with the Town of late. We have had issues on multiple-tenant commercial sites which required a sorting-out of addresses. Assignment of addresses is pertinent here because the parcel is an interior parcel, not on a public road. The Town will have to understand what the addressing will be for future subdivisions of lots off McLoughlin Road. We will share that information with Kodak and whoever else requires it. We asked the applicant to come before the Board this evening to sort out any concerns. We will not have the public hearing on this application until the next meeting; but there is some urgency on the part of the applicant to sell the parcel and get the subdivision approved. This review gives the Board an opportunity to ask questions so that answers are ready for the Board's next meeting.

Mr. Cimino, Greece Environmental Board member: A concern as you move forward is the Ridgeway Avenue access road. That road has not been used in at least five years and may affect traffic patterns in the area.

PLANNING BOARD MINUTES

NOVEMBER 17, 2010

Mr. Freeman: The intersection is signalized already, which should take care of some concern. I understand your concerns with traffic coming up from New York State Route 390; however, this has been the situation in the past when Kodak used the Ridgeway Avenue access.

Mr. Selke: Will you be adding any lights or signage? Will the new tenants of Building 502 be the only ones using that road? Will you require any new services to the site?

Mr. Freeman: No new lights will be added; they already exist. The new owner may request signage, but that request would come from the new owner and would be reviewed by the Town. To my knowledge, the Ridgeway Avenue access will be used only by the new tenants. Traffic generation is expected to be 5 to 10 trucks per day. The road will continue to be owned and maintained by Kodak. Use by the new tenant will be handled by an access easement. We have done this in the past and no new services will be required. The sanitary sewer already is public, as it is part of the Northwest Quadrant of the Monroe County Division of Pure Waters. The utilities will be handled by agreements with Kodak, as has been arranged in the past. Kodak will have the option to sever those agreements, but would require proper agency approval to do so.

Mr. Fisher: Building 502 was previously used by Kodak for shipment receiving. If we think about the number of vehicles that went through Kodak Receiving, it would be difficult to think that the new tenant's traffic would be larger. It also is interior to the Kodak site.

Mr. Freeman: Do you see any pitfalls with this moving forward?

Mr. Fisher: It's hard to see how this would be more intense than what it has been in the past. It seems to be a consistent use. It is in the interest of the town and residents to have these building occupied.

Mr. Selke: Who will be providing fire protection to the building?

David Gould, Eastman Kodak Company: It would be Greece Ridge Fire Department.

PROPOSAL HEARD
NO ACTION TAKEN

PLANNING BOARD MINUTES
NOVEMBER 17, 2010

ADJOURNMENT: 8:30 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York,
rendered the above decisions.

Signed: _____

Chairman

Date: _____